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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Letter dated 6 February 1992 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the Secretary of the Commission on Human Rights

The Permanent Mission requests that the reply of the Government of the Republic of Cuba to the Special Rapporteur on the question of religious intolerance, Mr. Angelo Vidal d'Almeida Ribeiro, should be distributed as an official document of the forty-eighth session of the Commission on Human Rights under agenda item 20.

I have the honour to refer to your note G/SO 214 (56-5) on Commission on Human Rights resolution 1991/48 of 5 March 1991 entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief", to which was annexed a list of cases of persons allegedly persecuted on account of their religious beliefs.

First of all, I wish to inform you that in Cuba no individual or groups of individuals are persecuted or harassed for professing the religious belief of their choice, that religion is practised freely in our country and that religious texts are accessible to those who desire them. Even at this time, when Cuba is experiencing a special situation in which the effects of the economic, financial and trade blockade imposed on the country are worsening, the main religious publications, such as the Bible, have been imported and may be obtained at a reasonable price. Any previous situation arising out of incomprehension or restrictions has been completely overcome.

In Cuba, there are 41 congregations of the Catholic religion and 51 institutions or associations of Protestant congregations. In other words, any religious association or association that fulfils the requirements laid down in the existing Act on the Registration of Associations may operate and is highly respected and supported as such. However, the religious sect of "Jehovah's Witnesses" mentioned in your communication, has never submitted an application for registration since it does not fulfil the requirements established for recognition and has therefore not acquired that status.

In our country this religious sect is an unlawful association, whose members are known for their anti-social behaviour and who, in many cases, even engage in incitement to break the law and in the desecration of patriotic emblems, since they regard themselves as foreigners in their own country. In cases involving the above-mentioned criminal behaviour, as occurred in some of the cases mentioned in your communication, the following articles of the current Penal Code are applied: article 207, paragraph 1 (Incitement to break the law); article 208 (Unlawful associations, meetings and demonstrations); article 210 (Possession of illegal printed matter).

On the other hand, the right of citizens to practise the religion of their choice and to worship without any limitations other than respect for public order and the law, as established in article 54 of the Constitution, is fully respected.

I should also like to refer to our note of 1 October 1990, in reply to your note G/SO 214 (56-4) of 25 July 1990 in which the legal and social protection extended to religions and religious beliefs is explained in detail.

As you are aware, to question the implementation of the legal provisions in force in any State implies interference in its internal affairs; such an act is incompatible with international law and its rules.

As may be seen, the allegations contained in the cases concerning which we were asked for information appear to form part of the campaign which is being conducted against Cuba, using the issue of human rights tendentiously and for political ends.

Nevertheless, in answer to your request, we attach the data relating to these cases.

(Signed): Isidoro Malmierca
Minister for Foreign Affairs

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ANNEX

Emilio Rodríguez was brought before the courts on a charge of engaging in propaganda and reproducing documents of the illegal Jehovah's Witnesses sect. However, having regard to his mental state, it was decided not to detain him but to keep him in his home. The Court sentenced him to house arrest for one year for the offence of possession of illegal printed matter.

Mabel López González, Fidel Díaz Pacheco, Alberto Bárbaro Villavicencio, Narciso Ramírez Lorenzo, Alfredo Falcón Moncada and Mercedes Feito Paredes, members of the Jehovah's Witnesses sect were engaged in unlawful propaganda for this sect, but were not sentenced to imprisonment and the last two persons left the country legally on 6 June 1991.

Marcela Rodríguez, Paulino Aguila Pérez and Guillermo Montes were fined in August 1990 for the same offence of illegal and anti-social propaganda. This was not the case with Ramón López Peña, since it would appear that the report received contains an error, as the name is that of a martyr of the Cuban Frontier Brigade despicably murdered by United States soldiers in 1964 when he was on active service in the naval base illegally occupied by the United States at Guantánamo and in whose honour the rural community was named where, coincidentally, these members of the Jehovah's Witnesses sect reside.

Alejandro Rodríguez Castillo and Oscar Peña Rodríguez. There is no information about these persons to indicate that they incurred a criminal charge or detention. There would appear to be some confusion or incorrect information in respect of these cases.